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ONE HUNDRED EIGHTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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October 20, 2004

The Honorable Scott J. Bloch  
Special Counsel  
U.S. Office of Special Counsel  
1730 M Street, NW, Suite 300  
Washington, DC 20036-4505

Dear Mr. Bloch:

I am writing to ask that the Office of Special Counsel investigate whether Dr. Condoleezza Rice, the President's National Security Advisor, is violating the Hatch Act by delivering campaign speeches in battleground states. I am sure you would agree that any political activity on the part of the National Security Advisor would undermine the trust bestowed on such a non-partisan post.

Under governing law, no employee of the National Security Council "may take an active part in political management or political campaigns."<sup>1</sup> Your Office's own materials interpret this to mean that members of the National Security Council "**may not** campaign for or against a candidate or slate of candidates in partisan election" and "**may not** make campaign speeches or engage in other campaign activities to elect partisan candidates."<sup>2</sup> While there is an exception to this prohibition for employees confirmed by the Senate, Dr. Rice is not such an employee and therefore is barred from this type of political activity.<sup>3</sup> As such, she could be subject to removal from her post.<sup>4</sup>

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<sup>1</sup>5 U.S.C. § 7323(b)(2).

<sup>2</sup>U.S. OFFICE OF SPECIAL COUNSEL, POLITICAL ACTIVITY AND THE FEDERAL EMPLOYEE 7 (Aug. 2000) (emphasis in original).

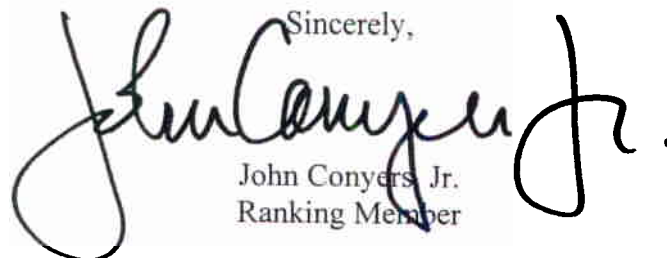
<sup>3</sup>Indeed, both she and the White House relied upon her role as a presidential advisor in initially refusing to have her testify before the National Commission on Terrorist Attacks Upon the United States (the "9/11 Commission"). Dana Milbank & Walter Pincus, *Rice Defends Refusal to Testify*, WASH. POST, Mar. 29, 2004, at A1.

<sup>4</sup>5 U.S.C. § 7326.

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Unfortunately, according to today's *Washington Post*, Dr. Rice is giving "nine speeches in battleground states in the final eight weeks of the election."<sup>5</sup> While Dr. Rice is not prevented from speaking during the campaign, her engagements appear to cross the line of legality. First, she is appearing largely in states that are hotly contested in the presidential campaign, such as Ohio, Pennsylvania, and Michigan.<sup>6</sup> In addition, her speeches focus on not only defending the Bush Administration's policy regarding both the war in Iraq and the war on terrorism but also attacking assertions made by the Democratic presidential nominee.<sup>7</sup> Furthermore, it is unclear who is paying for Dr. Rice's travel and lodging expenses for these trips. If the Bush-Cheney campaign is paying, the trips clearly are political in violation of the Hatch Act; if the White House is footing the bill, taxpayers deserve to know why they are footing the bill for politically-related activities. Finally, I would note that White House records indicate that until now the vast majority of her speeches have been in Washington, DC, or other non-battleground locations.

I look forward to whether the Office of Special Counsel will investigate this potentially illegal conduct. Please reply through Perry Apelbaum or Ted Kalo of my Judiciary Committee staff at 2142 Rayburn House Office Building, Washington, DC 20515 (tel: 202-225-6504; fax: 202-225-4423).

Sincerely,  
  
John Conyers, Jr.  
Ranking Member

cc: The Honorable F. James Sensenbrenner, Jr.  
Chairman  
U.S. House Comm. on the Judiciary

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<sup>5</sup>Glenn Kessler, *Rice Hitting the Road to Speak*, WASH. POST, Oct. 20, 2004, at A2.

<sup>6</sup>*Id.*

<sup>7</sup>*Id.*